IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3085 of 2007

Laxman Maruti Hargude (Deceased)
through his LRs Rajaram Hargude & ors.. Petitioners
versus
Pramod B. Gawade & ors. .. Respondents

...

Mr.L.M. Acharya for the petitioners.

CORAM : D.G. KARNIK, J

DATED : 30th August 2007.

P.C.:

1. Heard learned counsel for the petitioner who seeks a direction from this Court to the Divisional Commissioner to hear and decide the Revision Application no.77 of 2004. In view of the decision of the Division Bench of this Court, jurisdiction would be with the Maharashtra Revenue Tribunal and not with the Divisional Commissioner. In view of this, a direction cannot be issued to the Divisional Commissioner to hear the Revision Application, much less, hear it expeditiously.

2. Learned counsel for the petitioner states that a bill to re-constitute Maharashtra Revenue Tribunal has already been passed by the legislature of Maharashtra and is awaiting sanction of the Governor. He prays that a direction be issued to the Maharashtra Revenue Tribunal to hear the Revision Application expeditiously as soon as it is constituted. Since Maharashtra Revenue Tribunal has not yet been constituted, such a direction also cannot be issued at this stage. Petitioner however would be at liberty to move Maharashtra Revenue Tribunal as and when it is constituted for expeditious hearing. I have no doubt that if such a request is made, the Revenue Tribunal would consider the said request appropriately. Petitioner would of course have a liberty to move this court again in the event petitioner’s request is turned down.

3. In view of these observations, learned counsel for the petitioner seeks leave to withdraw the petition. Writ Petition is disposed of as withdrawn with the aforesaid observations.

(D.G. KARNIK, J)